

When the New York legislature assembled the other day, the Speaker of the House called the six members who had been elected on the Socialist ticket from districts in New York City, where the foreign element is strong, and told them they were suspected of not being true to the government of the state and nation, and that they should not sit as members until their state of mind had been investigated. A resolution was put and carried with but two dissenting votes, and the Socialists were forcibly ejected from the floor of the house. Thereupon the clouds began to lower upon that House. The New York World threw its usual fit and declared that the legislature had committed a capital crime against representative government, and that there could be never more any laying of heads upon pillows in peace and security in this country. Charles Evans Hughes and W. H. Taft and hosts of other authorities declared that the legislature had done a hellish thing, and for a moment the country was all but swept off its feet. We know that we were that way, but like a good many other law suits, what appears at the first glance to be plain, upon study and investigation, appears to be just the opposite of what was the first impression.

The case is very similar to those that were so common in the days of reconstruction after the Civil War when all of our kin were disqualified from holding office because they could not take the test oath, that they had not given aid or comfort to the Confederacy. The older men in this country remember when a Captain in the Confederate Army took this oath and was promptly indicted and convicted of perjury. The proceeding in New York is based on the same general grounds that the Socialist party gave aid and comfort to Germany. Every one will remember what keen anxiety was felt at the time that we entered the war over the question of whether we would hang together or fall apart. It meant the world and all to us. At that time the Socialists tried to stampede the country and bring confusion to nation. They succeeded in disrupting their own party, many good Americans leaving it, and repudiating its doctrines in a public way. To say the least, the loyalty of the Socialists was under suspicion, and this would justify the legislature in ordering an inquiry. And it is not to be wondered at that the rule of procedure in the Berger case was followed. That is, of inquiring into the fitness of the members accused, with vacant seats from the districts they represented.

There does not seem to be any menace to our form of representative government in this proceeding. Just the reverse. The terms of the members were purposely made short so that the people could control the body by frequent elections, and such questions as they are now considering is one of the things that they were elected for. If the course does not please the majority then they will suffer at the next election. We have only two real safeguards in our government—the supreme power of the people at the polls, and the freedom of their representatives under the law while in office.

There is going to be a big trial over the Socialist members and much smoke will arise therefrom. Under the cover of this smoke, the Senate of the United States will make a strategic retreat from its position and make peace with Germany. Being of a suspicious nature, we are half way of the opinion that the excitement in New York was created for some such purpose, for the holding up of the peace treaty had just about turned the whole country against one of its great branches of the government.

Young Theodore Roosevelt is a member of the New York legislature and the assertion has been freely made that he is the father of the thought to haze the Socialists. They profess to see a touch of the fine Roosevelt hand in the matter.

With our fatal propensity of rushing into print, we sent the World a letter which that paper printed and which we are vain enough to reproduce in this issue. We do not claim to have cleared the muddy waters any. We read the World diligently. But it is the greatest kicker of them all. It fights prohibition, the Democratic city government, the alien and sedition laws, and a lot of things that we country people hold most dear. It has got down to the place where we are together on but two things, the peace treaty, and Wilson, and it is getting sort of weak on Wilson.

No clear skies are to be expected until after the election, which the American Legion is going to hold on election day in November. The Republicans are like the church that knows it has got religion but fears

backsliding, and the Democrats are like the one that hopes it is ejected but cannot be sure.

What is to be, will be, and as George B. McClellan said: It is not given to our weak intellects to understand the steps of Providence as they occur; we comprehend them only as we look back upon them in the far-distant past.

The letter from a surveyor of Augusta County about trees is appreciated. The Matthew Edmiston who marked that tree in 1743, came to Augusta County, by the Pennsylvania route in 1740, and is the ancestor of the Edmiston clan of West Virginia. He had a large family. His son, James Edmiston was born in Augusta County in 1746. He married Jane Smith who came over from Ireland. One of their children was Andrew Edmiston, born in 1777, the famous pioneer who settled in the Levels of this county. This Andrew Edmiston was the strongest man in the county in his time and was the champion of the county for many years. He was the father of Judge Matthew Edmiston, who was born in Pocahontas County, in 1814, but who was for most of his life a resident of Lewis County. He was the father of Hon. Andrew Edmiston of Lewis County. Judge Edmiston was a member of the Supreme Court of Appeals of West Virginia at the date of his death. A fine portrait hangs in the Supreme Court building at Charleston. It shows that he was a very distinguished looking man.

We think we know what the tree of knowledge was that was called for in the old survey referred to in the letter of Mr. Collins. The line ran to a tree of knowledge and a beech, that is, to a birch and a beech. At the time of the survey it was considered that knowledge could not be imparted in schools without a certain amount of corporal punishment, and for some reason, the birch was the name of the instrument that it was laid on with. At that time Washington Irving was the high light in American literature. In his Sketch Book, he speaks of boys having six weeks emancipation from the abhorred thralldom of book, birch, and pedagogue.

Irving also has the following in the Legend of Sleepy Hollow: The schoolhouse stood in a rather lonely but pleasant situation, just at the foot of a wooded hill, with a brook running close by, and a formidable birch tree growing at one end of it. From hence the low murmur of the pupil's voices, conning over their lessons, might be heard on a drowsy summer's day, like the hum of a bee hive, interrupted now and then by the authoritative voice of the master, in the tone of menace or command; or peradventure, by the appalling sound of the birch, as he urged some tardy loiterer along the flowery path of knowledge. Truth to say, he was a conscientious man, and ever bore in mind the golden maxim, "Spare the rod and spoil the child."

So we do not think it far fetched to say that the surveyor had a little dry humor in his make up and left it to be puzzled over.

Common consent makes the tree of knowledge that Adam and Eve ate the fruit of an apple, but this could hardly be an apple tree. In India, there is a tree called the tree of knowledge, which is said to be the tree that grew in the Garden of Eden. The sap is poisonous. This is from a book.

We figure out that the birch is the tree of knowledge. The meaning of the word when it is used as a verb: To birch, is to chastise, to flog. Scott says in Rob Roy: Why not go to Westminster or Eton at once, man, and take to Lilly's Grammar and Accidence, and to the birch, too, if you like it?

To send a school-boy to Birch Lane, was to send him to be whipped. Birch Lane was the name of a street in London.

Thomas Hood, who wrote the Song of a Shirt, flourished from 1799 to 1845, and at the time of the survey was a popular author. He uses the exact expression in The Irish Schoolmaster, where he says: That sour tree of knowledge—now a birch.

So let us imagine that the surveyor was a reader of Scott, Hood, and Irving, and when he found a birch growing in the wilderness, left evidence of his erudition by inserting in the record the fanciful name of the tree of knowledge. Mr. Collins theory that the annulations of a tree is the oldest weather record is eminently sound. It is the only record that we have of whether a certain year centuries ago had a wet or dry summer. The tree will disclose it by the extent of its growth. There is nothing like a tree for a monument. The American Forestry Association is advocating memorial trees. Nothing is likely to endure so long. The common custom of marking healthy hardwood trees in land surveys makes use of the most convenient and the most lasting object known to man, and in addition it leaves an everlasting record of the year that the mark was made. Block

the tree and count the rings and if the year hangs on the age of the survey, the year is given with a certainty that cannot be ignored. Nothing but nature can build a book like that, adding a page each year, and one page only. There can be no falsehood in that record. No plea of nulli record is ever advanced to overcome that evidence.

There is an interesting point of law that has been discussed around firesides a thousand times, and one which we have never heard answered positively by a lawyer. And that is whether a corner or line tree can be legally cut and destroyed. There is no exception in the statute. It says that if any one break down, injure, deface, or destroy any tree marked for the purpose of designating the boundaries of land, he shall be liable to indictment, fine and imprisonment. The question that has puzzled the land owners is whether if all the landowners interested in the tree agree can they legally market the tree? It is a sort of a relative to the hopelessness of the situation that is expressed in the eastern proverb, of if the man and the woman agree, what can the Calph do?

Our guess is that the meaning of the statute is that the tree is not to be destroyed even by agreement of the owners. Sometimes lands of strangers, some distance away are to be located by a standing corner on a tract several tracts removed from the survey in question, and it is like triangulation, no telling how far the net work of surveys is affected.

Woodman spare that tree, touch not a single bough, it is not what it used to be, it is a corner now.

One of the counties, Fayette, we think, in early days, took as one corner the house of a certain man on the run, the object being to include him in the new county. The call was to a corner on that run so as to include this cabin. The man moved up the creek three times building a new cabin each time, and every time he moved he carried the county line with him. Stone monuments are expensive. They would never be built. They would not last as long as a tree any way. A stake at a corner has come to mean a point at which no stake was ever driven. It is the most shadowy of all monuments. The running stream is recognized to be a changeable thing and in law it carries the line with it when ever it changes its course. With the meanderings of the run, has a meaning that the run not only winds when the language was used, but that it may change its course later.

The tree is the most stable and reliable of all land marks. The West Virginia University voted on the peace treaty as follows: Ratification without amendment, 228; opposed to ratification in any form, 140; in favor of ratification with Lodge reservations, 101; for ratification on compromise reservations, 154. This vote showed about the same division as colleges generally throughout the land.

The main anxiety on the part of the managers of the Republican party is to so conduct the national convention, that it will give the American Legion no chance to take the studs. Herbert Hoover is looked upon as good candidate for either the Democratic or the Republican nomination. There is food for thought in such a political condition.

To the Editor of The World: When the New York legislature sloughed off its Socialist members it acted well within its powers and perhaps within its rights, just as the Boston Tea Party did. The most reprehensible thing about it is that it made the old fogies swear. There are two ways of doing things in America. One is the bold way and the other is the inert way. You and I, perhaps, might justify the curse that the poet put on this country:

His easy unswept hearth he lends, From Labrador to Guadeloupe; Till, elbowed out by slyen friends, He camps, in sufferance, on the stoop.

Personally I am like old Senator Lindsay's hired man whose word was when he was asked to take a drink, that he was never no hand to argue. But as the Socialists have been hunting a fight so long, I am glad that they have got one at last. There are two grand examples of countries where Socialists predominate—Germany and Russia, and as peaceful and no account as I am, I hope there is a fight or two in the old man yet, to stamp out the spirit which makes a mock of our constitution.

Of late I have been studying the law called praemunire, the old English law making it an offense to introduce a foreign power within the realm in diminution of the authority of the government. It is probably an obsolete statute, but it was a wise one and it worked very well, and did not have to be invoked very often, even in the days when certain class of Englishmen obeyed the laws of England under protest, and gave full

force and effect papal decrees. The warning seems to have been sufficient and the time came when it was not needed.

One of the penalties was to make the offender ineligible for jury service and this is on the theory that he was not fit to associate with the other gentlemen on the jury, and that the others should not be compelled to sit with him.

The legislature may have the right, that is the members, to say with whom they will associate in the performance of their duties, and there may be no limit to this right under the broad blue sky, for it seems to me that the theory of our form of government makes this power in them supreme. They certainly could refuse to sit with a leper, though mentally endowed with virtues as infinite as man may undergo.

To me, the right to own a humble home is one of the most sacred blessings vouchered for by the law, and I have no patience with those tinctured with Communism, those who are willing to put in a penny and draw out a shilling.

And if this is the iron heel, make the most of it.

Marlinton, W. Va. —New York World 1-16-20

Commissioners' Sale of Valuable Land

Pursuant to a decree of the Circuit Court of Pocahontas County, West Virginia, entered in the chancery cause of P. H. McNulty's Heirs and others, the undersigned special commissioners, on Monday, February 9, 1920, at 1 o'clock p. m., at the front door of the court house of Pocahontas County, will proceed to sell at public auction to the highest bidder a certain tract of land near Lobelia in the Little Levels District of said county, being the farm of which the late P. H. McNulty died seized. Said tract contains 320 acres and is all under fence. It lies six miles from Hillsboro, has on it a good dwelling house, two barns, and a silo, and is a well balanced farm. Terms of sale: One third cash in hand, the residue in two equal installments due in six and twelve months respectively, with interest, the purchases executing notes with good personal security, the title to be retained as security too.

T. S. McNeil, Andrew Price, Special Commissioners.

I, G. W. Sharp, Clerk of the Circuit court of said county do certify that the above named special commissioners have executed bond as required by said decree.

G. W. Sharp, Clerk.

NOTICE TO FARMERS

If you need money to buy land, pay debts, stock land or any other purpose.

The Virginian Joint Stock Land Bank

of Charleston, W. Va., will lend to you on five to twenty years time, on small semi-annual re-payments. This Bank has loaned thousands of dollars to the farmers of this county, and it will take care of your needs.

For further information, or to make application for a loan, call on or write T. S. McNeil, Hillsboro, or write H. W. Comstock, Lewisburg, West Virginia, Supervisor of Loans.

Notice to Contractors

Notice is hereby given that the Board of Education of Greenbank District of Pocahontas County, West Virginia, will receive bids at its meeting to be held at Greenbank, West Virginia, on January 30, 1920, at 2 p. m. for the construction of a six room brick school building in the town of Durbin, West Virginia, according to plans and specifications to be seen at the office of J. W. Goodsell, president of said board, Durbin, West Virginia. Each bid to be accompanied by a certified check of five per cent of bid. The Board reserves the right to reject any and all bids.

Board of Education, of Greenbank District. By J. W. GOODSSELL, Pres.

Notice to Stockholders

OF THE ARBOVALE MUTUAL TELEPHONE CO.

There will be an adjourned regular meeting of the stockholders of the Arbovale Mutual Telephone Company, at Arbovale, West Virginia, on Saturday, February 7th, 1920, at 1 o'clock p. m. The business to come before the meeting at this time will be the matter of selling the Arbovale Mutual Telephone Company's lines and holdings to the Pocahontas Telephone Co. All stockholders are hereby notified to be present either in person or by proxy to have a voice in the matter. Arbovale Mutual Telephone Co. J. B. Sutton, Sec-Treas.

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DELCO LIGHT PRODUCTS Marlinton, W. Va.

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Advertisement for Frank Hellerick & Co. 'SHIP YOUR WINTER POULTRY AND PRODUCE NOW'. Text: 'We had the greatest of all markets for the Holidays. Indeed we were glad to more than fulfill the brightest hopes of every shipper and thank you most heartily for your liberal patronage. We announce to Shippers that our market is exceedingly alive and active this month. All farm products being limited, consequent prices ruling high and far above normal. Because of this fact and our reputation our demands for Butter, Eggs, Live and Dressed Poultry are greater than we can supply. We honestly and candidly say that each and every shipment received by us will be disposed of quickly and at premium prices. Bear our service in mind and ship to us throughout the season. This is our business, so rest assured that prices realized will not be excelled by any house here or elsewhere. A postal will get you information you desire at any time. FRANK HELLERICK & CO. 349 New Market St. PHILADELPHIA, PA. "A Poultry House Every Day of the Year."'

Advertisement for F. M. Sydnor, Manager of Hunter & Echols Insurance Agency Inc. Text: 'IF IT'S INSURANCE YOU WANT. SEE F. M. SYDNOR, Manager HUNTER & ECHOLS INSURANCE AGENCY INC. Marlinton, West Virginia.'

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Advertisement for attorneys and legal services. Lists names like N. M. Lockridge, A. P. Edgar, F. Raymond Hill, Andrew Price, W. A. Stratton, N. C. McNeil, L. M. McClintic, P. T. Ward, J. E. Buckley, A. C. Barlow, R. S. Jordan, M. C. Smith, R. B. Slavin, Dr. C. S. Kramer, M. F. Gum, L. O. Simmons, Stuart & Watts, W. A. Barlow, and Dr. E. R. McIntosh.

Advertisement for Dr. E. R. McIntosh, Specialist in diseases of the Eye, Ear, Nose and Throat. Text: 'Eyes Examined Glasses Fitted. Equipped hospital rooms for Eye, Ear, Nose and Throat. Work in connection with offices. Private Nurse in attendance. 10, 11, 12, 13, 14 and 15 Cobb Bldg. ELKINS, W. VA. Hours 9 to 5 daily Evenings 7 to 8 Sundays 12 to 2 p. m. Correspondence Solicited.'

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